

**REMARKS**

Applicants confirm the oral election of Group I, claims 1-13, with traverse.

Groups I and II have been separated based on the assertion that the product can be made from a raw dielectric powder made by a sol-gel or other chemical process. However, the claims of Group II specifically recite that they are products made by the process of claims of Group I and therefore this justification is not valid.

Group III has been separated based on the assertion that the product of claims 18-20 can be used in a different process such as for use in a coating composition. However, the claims of Group I are directed to a method of making a carbonate powder and therefore this justification is respectfully submitted not to be valid.

Group IV has been separated on the grounds that the product of Group I can be made by a materially different process. However, the claims of Group IV are dependent on the claims of Group I and therefore this justification is not valid.

It is respectfully submitted that in light of the foregoing considerations, the restriction requirement should be withdrawn.

The Examiner's observation with regard to claims 3 and 4 was correct and an appropriate correction, as suggested by the Examiner, has been made. Accordingly, it is respectfully submitted that the rejection of claims 3-8 under 35 USC 112, second paragraph should be withdrawn.

A series of rejections of the claims of the elected group have been made based on 35 USC 103. These are: Claims 1-4, 12 and 13 over Nishiyama; claims 1-5, 9, 11 and 12 over JP '062 in view of Nakamura; claims 6-8 and 10 over JP '062 in view of

Nakamura and DE '060; claims 1-5, 9 and 11 over Plessner; and claims 6-8 and 10 over Plessner in view of DE '060. All of these rejections are respectfully traversed.

Barium titanate can be made by mixing a barium carbonate powder and titanium dioxide powder and calcining the combination. It has been found, however, that even if the barium carbonate powder is refined and homogenously dispersed with the titanium dioxide powder, the barium carbonate grains easily grow during the calcining step and interfere with the desired titanate forming process. The effects of such growth are shown in the working examples of this application.

The present invention is based on the discovery that if the barium titanate powder already has an organic polymer absorbed thereon when it is combined with the titanium dioxide powder, a superior process is achieved and a desired barium titanate product is realized.

All of the principle references involved in these rejections teach mixing a barium carbonate powder, a titanium dioxide powder and an organic material but do not show mixing a barium carbonate powder which already has an organic polymer absorbed thereon. Mixing barium carbonate, titanium dioxide and an organic material is not the same as the process claimed and does not result in the product of the instant invention. As originally presented, it was believed that the claims could not be read on a mixture of a carbonate powder, titanium dioxide powder and organic solvent but required the carbonate powder to already have absorbed solvent. However, the rejections have been effectively based on such an interpretation of the claims. Accordingly, the claims have been amended to emphasize the preformed nature of the barium carbonate and the organic polymer.

It is respectfully submitted that all of the above stated rejections should be withdrawn.

Claims 1-5, 9 and 11-13 were rejected under 35 USC over Nishimura in view of Barrett and Nakamura and claims 6-8 and 10 over Nishimura in view of Barrett or Barrett and Nakamura and DE '060. It is respectfully submitted that these rejections should also be withdrawn.

All of the foregoing comments are equally applicable to these rejections but they deserve additional comment because of the reliance on the Barrett reference. This reference, issued in 1971, relates to making carbon compositions suitable for bulk handling, storage and shipment. The reference describes the preparation of barium carbonate and the use of dispersants to deflocculate aggregates and form stable dispersions. While this reference does show a barium carbonate powder made with a dispersant, it does not teach mixing the resulting powder with titanium dioxide powder to form barium titanate. No reason is advanced and no motivation is apparent to select the barium carbonate of this reference rather than any other barium carbonate and employ it in the present invention or in combination with any of the other references. Barrett does not teach or suggest the production of barium titanate but instead states the "with reference in particular to the ceramic industry, the solid product obtained in accordance with the present invention can be metered directly to ceramic slips to react with sulfates contained therein without the addition of further liquids to the system." (Column 7, lines 37 to 41). It is respectfully submitted that any reliance on Barrett is based on the application of hindsight and that is not permitted.

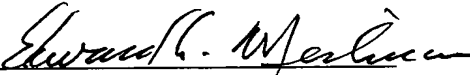
It is therefore respectfully submitted that these rejections should also be withdrawn.

It is respectfully pointed out that the provisional rejection of claims on the grounds of obviousness type double patenting rejection over claim 1 of co-pending application 10/173,665 in view of JP '062 and Nakamura is moot. The co-pending application has been abandoned.

In view of all of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully requested.

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Respectfully submitted,

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